

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC Meeting Rooms on 11 November 2009 at 1:00 PM.

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

*Cr Brian Crook (Mayor)
Cr Frank Buchanan
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith*

*Rob Small, Chief Executive Officer
Jack Green, Acting Chief Executive Officer
Colin Hayman, General Manager, Corporate and Community Services
Neil Allen, General Manager, Infrastructure and Services
Doug McNeill, Acting General Manager, Sustainable Planning and Development
Maree Redmond, Executive Assistant*

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. The Planning Committee provides an opportunity for both objectors and proponents to address Council for up to five minutes. Priority will be given to people who have advised Council in advance that they wish to address the Planning Committee. Planning Committee meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

I also would like to inform you that the meeting is being taped. The audio recording of the meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

5. DECLARATION OF INTEREST

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item PC091111-3 Chris Adams – Building Designer

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 14/10/09.**

Resolution

MOVED Cr Frank Buchanan seconded Cr Geoff Higgins that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

PC091111-1	PLANNING & BUILDING STATISTICAL REPORT
PC091111-2	DEVELOPMENT OF A TELECOMMUNICATIONS TOWER AND ASSOCIATED EQUIPMENT SHELTER AT 6 BLUNDY STREET, FORREST
PC091111-3	CONSTRUCTION OF A TWO (2) STOREY DWELLING AT 2 CAWOOD STREET, APOLLO BAY
PC091111-4	TWO LOT SUBDIVISION OF LAND AT 34 CAWOOD STREET, APOLLO BAY
PC091111-5	DEVELOPMENT OF SHED FOR MANUFACTURING CONCRETE PRODUCTS & WAIVING OF CAR SPACES AT 382 PRINCES HIGHWAY, COLAC WEST

**Rob Small
Chief Executive Officer**

PC091111-1 PLANNING & BUILDING STATISTICAL REPORT

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	00450

Recommendation(s)

That Council’s Planning Committee note the statistical report.

~~~~~\)

**Resolution**

***MOVED Cr Lyn Russell seconded Cr Stephen Hart that Council’s Planning Committee note the statistical report.***

***CARRIED 7 : 0***

**PC091111-2 DEVELOPMENT OF A TELECOMMUNICATIONS TOWER AND ASSOCIATED EQUIPMENT SHELTER AT 6 BLUNDY STREET, FORREST**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP250/2009 |

**Recommendation(s)**

***That Council’s Planning Committee resolve to grant Planning Permit PP250/2009 for the buildings and works associated with the Construction of a Telecommunications Facility (45 metre high lattice tower) and associated shelter at Crown Allotment 4 Section A Parish of Yaughar, 6 Blundy Street, Forrest, subject to the following conditions:***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***

2. ***No additional antennas, aerials, satellite dishes or the like are permitted to be installed on the tower without further planning approval from the responsible authority***
3. ***The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be harmonious and blend into the surrounding environment to the satisfaction of the Responsible Authority.***
4. ***Stormwater discharged from the buildings and works hereby permitted must only be disturbed across the property by sheet flow (.e. along a contour) or to a legal point of discharge as approved by the responsible authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge any septic effluent disposal system to the satisfaction of the responsible authority.***
5. ***All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
6. ***No additional vehicular access is permitted to be created/constructed to the satisfaction of the responsible authority.***
7. ***If the telecommunications facility is no longer in use, the installation must be decommissioned and removed to the satisfaction of the responsible authority.***
8. ***The use must not detrimentally affect the amenity of the neighbourhood, to the satisfaction of the responsible authority including through the:***
  - a) ***Transportation of any material, goods or commodity to or from the land.***
  - b) ***Appearance of any stored goods and material.***
  - c) ***Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit and oil.***
9. ***The telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 to the satisfaction of the responsible authority.***
10. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not started within two years of the date of this permit.***
  - b) ***The development is not completed within four years of the date of this permit.***

***The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.***

~~~~~\ ~~~~~

Resolution

MOVED Cr Stuart Hart seconded Cr Geoff Higgins that Council's Planning Committee resolve to grant Planning Permit PP250/2009 for the buildings and works associated with the Construction of a Telecommunications Facility (45 metre high lattice tower) and associated shelter at Crown Allotment 4 Section A Parish of Yaughar, 6 Blundy Street, Forrest, subject to the following conditions:

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. No additional antennas, aerials, satellite dishes or the like are permitted to be installed on the tower without further planning approval from the responsible authority***
- 3. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be harmonious and blend into the surrounding environment to the satisfaction of the Responsible Authority.***
- 4. Stormwater discharged from the buildings and works hereby permitted must only be disturbed across the property by sheet flow (.e. along a contour) or to a legal point of discharge as approved by the responsible authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge any septic effluent disposal system to the satisfaction of the responsible authority.***
- 5. All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
- 6. No additional vehicular access is permitted to be created/constructed to the satisfaction of the responsible authority.***
- 7. If the telecommunications facility is no longer in use, the installation must be decommissioned and removed to the satisfaction of the responsible authority.***
- 8. The use must not detrimentally affect the amenity of the neighbourhood, to the satisfaction of the responsible authority including through the:***
 - (a) Transportation of any material, goods or commodity to or from the land.***
 - (b) Appearance of any stored goods and material.***
 - (c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit and oil.***

9. ***The telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 to the satisfaction of the responsible authority.***
10. ***This permit will expire if one of the following circumstances applies:***
- a) ***The development is not started within two years of the date of this permit.***
 - b) ***The development is not completed within four years of the date of this permit.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

CARRIED 7 : 0

PC091111-3 CONSTRUCTION OF A TWO (2) STOREY DWELLING AT 2 CAWOOD STREET, APOLLO BAY

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Carl Menze | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP210/2009 |

Recommendation(s)

That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for a Two Storey Dwelling at 2 Cawood Street, Apollo Bay, subject to the following conditions:

1. ***The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
2. ***The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be of 'muted earthy tones' to the satisfaction of the Responsible Authority.***
3. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
4. ***An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.***

5. ***The driveway must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.***
6. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
7. ***All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
8. ***This permit will expire if one of the following circumstances applies;***
 - ***The development is not commenced within two (2) years of the date of this permit;***
 - ***The development is not completed within four (4) years of the date of this permit.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

~~~~~\ ~~~~~

### **Resolution**

***MOVED Cr Lyn Russell seconded Cr Frank Buchanan that the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for a Two Storey Dwelling at 2 Cawood Street, Apollo Bay, subject to the following conditions:***

1. ***The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
2. ***The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be of 'muted earthy tones' to the satisfaction of the Responsible Authority.***
3. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
4. ***An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.***
5. ***The driveway must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.***
6. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***

7. **All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.**

8. **This permit will expire if one of the following circumstances applies;**

- **The development is not commenced within two (2) years of the date of this permit;**
- **The development is not completed within four (4) years of the date of this permit.**

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.**

**CARRIED 7 : 0**

**PC091111-4 TWO LOT SUBDIVISION OF LAND AT 34 CAWOOD STREET, APOLLO BAY**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Anne Sorensen                      | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP 32/09   |

### **Recommendation(s)**

**That Council's Planning Committee resolve to issue a Refusal to Grant a Planning Permit for a two lot subdivision at 34 Cawood Street, Apollo Bay, on the following grounds:**

1. **The proposal is inconsistent with the objectives of the Design and Development Overlay – Schedule 7 (Lower Density Residential Areas), which encourage lower density development consistent with the coastal town character.**
2. **The proposed subdivision is out of character with the existing and preferred neighbourhood character of the area and existing settlement pattern.**
3. **The proposal is inconsistent with the provisions of the State and Local Planning Policy Framework, the provisions of the Residential 1 Zone and the requirements of Clause 56 (ResCode) as they relate to neighbourhood character.**



**Resolution**

**MOVED Cr Frank Buchanan seconded Cr Lyn Russell that Council’s Planning Committee resolve to issue a Refusal to Grant a Planning Permit for a two lot subdivision at 34 Cawood Street, Apollo Bay, on the following grounds:**

- 1. The proposal is inconsistent with the objectives of the Design and Development Overlay – Schedule 7 (Lower Density Residential Areas), which encourage lower density development consistent with the coastal town character.**
- 2. The proposed subdivision is out of character with the existing and preferred neighbourhood character of the area and existing settlement pattern.**
- 3. The proposal is inconsistent with the provisions of the State and Local Planning Policy Framework, the provisions of the Residential 1 Zone and the requirements of Clause 56 (ResCode) as they relate to neighbourhood character.**

**CARRIED 7 : 0**

**PC091111-5 DEVELOPMENT OF SHED FOR MANUFACTURING CONCRETE PRODUCTS & WAIVING OF CAR SPACES AT 382 PRINCES HIGHWAY, COLAC WEST**

|                    |                                    |                  |            |
|--------------------|------------------------------------|------------------|------------|
| <b>AUTHOR:</b>     | Ros Snaauw                         | <b>ENDORSED:</b> | Jack Green |
| <b>DEPARTMENT:</b> | Sustainable Planning & Development | <b>FILE REF:</b> | PP89/09    |

**Recommendation(s)**

**That Council approve the issue of a Planning Permit subject to the following conditions:**

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**

- a) *Removal of car spaces 1 & 2 and placed along east boundary with parking spaces 10-13;*
  - b) *Change parking 10 – 13 to angle parking and increase to a total of 10 car spaces, setback 1.5 metres from fence line;*
  - c) *Carspaces 3 -9 set back from south boundary 1.5 metres;*
  - d) *Carspaces 3-6 to be used for staff parking only and to display signage of this, and*
  - e) *Landscaping to be shown along the entire length of the Princes Highway (refer Condition 3)*
2. *The layout of the site and the size of the proposed building and works for a production facility only, for the manufacturing of pre cast concrete tilt panels as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.*
3. *Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscaping concept plan and prepared by a suitably qualified consultant. The plan must show:*
- a) *landscaping along the entire length of the Princes Highway frontage and the eastern boundary (not covered by a building).*
  - b) *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.*
4. *Landscaping is to be completed within 6 months of the development or works being constructed.*
5. *The landscaping shown on the endorsed plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*
6. *Prior to commencement of the use, areas set aside for parked vehicles as shown on the endorsed plans must be:*
- a) *constructed to the satisfaction of the Responsible Authority*
  - b) *properly formed to such levels that they can be used in accordance with the plans*
  - c) *surfaced with an all-weather seal-coat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority*
  - d) *line-marked to indicate each car space to the satisfaction of the Responsible Authority*

***Parking areas must be kept available for this purpose at all times.***

7. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
8. ***All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
9. ***This permit will expire if one of the following circumstances applies:***
  - a) ***the development is not started within two (2) years of the date of this permit.***
  - b) ***the development is not completed within four (4) years of the date of this permit.***

***The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.***

#### ***Condition Required by Barwon Water***

10. ***Water shall not be used from Barwon Water's pipelines fronting the land to mix and manufacture concrete products other than minimal use for cleaning of implements. That is, premixed ready to use concrete delivered to the site will be used for all manufacture of concrete products as advised by Toronga Design and Drafting's advice provided to Colac Otway Shire, dated 17 July 2009.***

~~~~~\ ~~~~~

Resolution

MOVED Cr Chris Smith seconded Cr Geoff Higgins that Council approve the issue of a Planning Permit subject to the following conditions:

1. ***Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
 - a) ***Removal of car spaces 1 & 2 and placed along east boundary with parking spaces 10-13;***
 - b) ***Change parking 10 – 13 to angle parking and increase to a total of 10 car spaces, setback 1.5 metres from fence line;***

- c) **Carspaces 3 -9 set back from south boundary 1.5 metres;**
 - d) **Carspaces 3-6 to be used for staff parking only and to display signage of this, and**
 - e) **Landscaping to be shown along the entire length of the Princes Highway (refer Condition 3)**
 - 2. **The layout of the site and the size of the proposed building and works for a production facility only, for the manufacturing of pre cast concrete tilt panels as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
 - 3. **Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscaping concept plan and prepared by a suitably qualified consultant. The plan must show:**
 - a) **landscaping along the entire length of the Princes Highway frontage and the eastern boundary (not covered by a building).**
 - b) **a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.**
 - 4. **Landscaping is to be completed within 6 months of the development or works being constructed.**
 - 5. **The landscaping shown on the endorsed plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**
 - 6. **Prior to commencement of the use, areas set aside for parked vehicles as shown on the endorsed plans must be:**
 - a) **constructed to the satisfaction of the Responsible Authority**
 - b) **properly formed to such levels that they can be used in accordance with the plans**
 - c) **surfaced with an all-weather seal-coat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority**
 - d) **line-marked to indicate each car space to the satisfaction of the Responsible Authority**
- Parking areas must be kept available for this purpose at all times.**
7. **All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**

8. ***All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
9. ***This permit will expire if one of the following circumstances applies:***
 - a) ***the development is not started within two (2) years of the date of this permit.***
 - b) ***the development is not completed within four (4) years of the date of this permit.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Condition Required by Barwon Water

10. ***Water shall not be used from Barwon Water's pipelines fronting the land to mix and manufacture concrete products other than minimal use for cleaning of implements. That is, premixed ready to use concrete delivered to the site will be used for all manufacture of concrete products as advised by Toronga Design and Drafting's advice provided to Colac Otway Shire, dated 17 July 2009.***

CARRIED 7 : 0